

REMARKS

Claims 1-22 are pending in the present application. Claims 1-22 have been amended.

Claim Rejections – 35 U.S.C. § 101

Claims 1-14 are rejected under 35 U.S.C. § 101 because the claim is directed to a recording medium storing nonfunctional descriptive material. Applicant respectfully traverses these rejections.

Applicants respectfully submit that the Examiner has incorrectly characterized the recording medium as storing nonfunctional descriptive material. The Manual of Patent Examining Procedure (MPEP) provides guidance on the difference between “nonfunctional descriptive material” and “functional descriptive material”. In particular, MPEP § 2106.01 states the following.

In this context, “function descriptive material” consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of “data structure” is “a physical or logical relationship among data elements, designed to support specific data manipulation functions.” The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) “Nonfunctional descriptive material” includes but is not limited music, literary works and a compilation or mere arrangement of data.

Accordingly, Applicants respectfully submit that a “computer readable medium having a data structure for managing reproduction of video data” as recited in independent claim 1 is a recording medium storing functional descriptive material.

MPEP §2106.01(I) further states, regarding functional descriptive material, that “a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure’s functionality to be realized, and is thus statutory.”

Accordingly, because the computer readable medium recited in claim 1 includes a data structure for managing reproduction of video data recorded on the recording medium, claim 1 is clearly directed towards patentable, statutory subject matter.

In light of the above, Applicants respectfully request that the rejection of independent claim 1, and claims depending therefrom, under 35 U.S.C. § 101 be withdrawn.

Claim Rejections – 35 U.S.C. § 102

Claims 1-22 are rejected under 35 U.S.C. § 102(e) as being anticipated by Kato et al. (U.S. Patent Publication No. US-2002-0145702, hereinafter “Kato”). Applicant respectfully traverses these rejections.

A claim is anticipated only if each and every element as forth in the claim is found, either expressly or inherently described, in a single prior art reference. See MPEP Sec. 2131; *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2D 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir.1987).

Applicant respectfully asserts that Kato does not teach or suggest a computer readable recording medium including all of the limitations as recited in amended claim 1. For example, claim 1 recites a computer readable recording medium including, among other things, “a data area storing multi-path video data corresponding to a plurality of reproduction paths forming different versions of one title to be reproduced exclusively.” Applicant respectfully asserts that Kato does not disclose a plurality of reproduction paths forming different versions of one title to be reproduced exclusively.

In paragraph [0182], Kato describes a main path and a sub-path. However, both the main path and the sub-path are included in one virtual playlist. The sub-path is added to the main path. In fact, the sub-path is assigned to an audio stream to be dubbed into a video stream of the main

path. Therefore, the data streams of the main path and the sub-path are not reproduced exclusively.

In contrast to Kato, and as recited in claim 1, each of the data streams corresponding to the plurality of reproduction paths is video data. Further, the multi-path video data corresponding to the plurality of reproduction paths are different versions of one title and therefore are reproduced exclusively. For at least this reason, Applicant respectfully requests that the rejections under 35 U.S.C. § 102 of claim 1 and its dependent claims be removed.

Applicant further notes that independent claim 5 and 15-22 contain similar language to that discussed above with respect to claim 1. Therefore, Applicant respectfully requests that independent claims 5, 8 and 15-22 are patentable at least for the reasons discussed above with respect to claim 1. Applicants respectfully request that the rejections under 35 U.S.C. § 102 of independent claims 5, 8, and 15-22 and their respective dependent claims be removed.

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CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1-22 in connection with the present application is earnestly solicited.

Pursuant to 37 CFR §§ 1.17 and 1.136(a), Applicants petition for a one (1) month extension of time for filing a reply to the September 24, 2007 Office Action, and submit the required \$120.00 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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